



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

U.S.E.P.A.
REGION 9
COMM CNTR

May 4, 1983

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OFFICE OF
THE ADMINISTRATOR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
OFFICE OF GENERAL COUNSEL

MAY 9 1983

SAN FRANCISCO

Claude B. Siemien
Model Industries, Inc.
Post Office Box D
Yorkville, Illinois 60560

David M. Jones, Esquire
U.S. Environmental Protection
Agency, Region IX
215 Fremont Street
San Francisco, California 94105

IN RE: UNION MANUFACTURING, INC.
Docket No. 9-83-RCRA-6

Counselors:

The above-entitled matter under section 3008 of the Solid Waste Disposal Act (42 U.S.C. §6901 et seq.) has been forwarded to this office pursuant to section 22.21(a) of the Rules of Practice issued under the Act (40 C.F.R. 22, April 9, 1980), and the undersigned has been designated to conduct the proceeding.

Section 22.18 of such Rules of Practice expresses a policy encouraging settlements and you may be attempting to reach such an agreement. Counsel for Complainant is directed to file by May 18, 1983 a statement with respect to whether or not a settlement has been reached or the status of such negotiations.

If the case is not settled by that date, the undersigned proposes to accomplish the purposes of a prehearing conference provided by section 22.19 of the Rules through recourse to correspondence as permitted by subparagraph (e) thereof.

Claude B. Siemien
David M. Jones, Esq.
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Accordingly, it is directed that the following pre-hearing exchange take place:

By Complainant and Respondent

1. As required by section 22.19(b) of the Rules of Practice, submit a list of witnesses intended to be called at the hearing with a brief narrative summary of their expected testimony and copies of all documents and exhibits intended to be introduced into evidence. The proposed exhibits should be marked "Complainant Ex. 1" etc., and "Respondent Ex. 1" etc., as appropriate.
2. Views as to the place of the hearing with the basis for such views. (See section 22.21(d) and 22.19(d) of the Rules of Practice.)

To the extent not covered by the foregoing, the following should also be submitted:

By Complainant

1. Specific method of determination of the proposed penalty.
2. With respect to the amount of the proposed civil penalty, views as to the seriousness of the violation and any good faith efforts to comply with the applicable requirements.
3. Views as to Respondent's defenses.

By Respondent

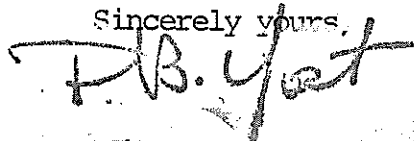
1. Describe in detail the efforts made to have the facility reclassified.
2. Provide documentation to support your allegation that you are a small quantity generator.

If the case is not settled, responses to the above should be made not later than June 1, 1983. The parties will then have until June 15, 1983 to reply to statements or allegations of the other contained in the responses to this letter. The original of the responses and replies shall be sent to the Regional Hearing Clerk and copies, with any attachments, shall be sent to the opposing party and to this office.

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David M. Jones, Esq.
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Upon receipt of the requested responses and replies, consideration will be given to whether further correspondence, pursuant to section 22.19(e) of the Rules of Practice, is desirable or whether the matter will be scheduled for hearing.


Sincerely yours,



Thomas B. Yost
Administrative Law Judge

CERTIFICATION OF SERVICE

I hereby certify that the original of this letter was mailed to the Regional Hearing Clerk, Region IX, and that true and correct copies were sent to the addressees, all service effected by Certified Mail, Return Receipt Requested. Dated in Atlanta, Georgia this 4th day of May 1983.



Sandra A. Beck
Secretary to Judge Yost

JUDGE THOMAS B. YOST
U. S. ENVIRONMENTAL PROTECTION AGENCY
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ATLANTA, GEORGIA 30365
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